

## REMARKS

### I. Examiner's Response to Arguments

During the interview conducted on July 16, 2003, the Applicant and the Examiner discussed the inappropriateness of the principle prior art reference in that Office Action, referred to as Don Best I. The basis of the inappropriate nature of Don Best I stems from its intended purpose, which is to provide anonymity to subscribing sports books by (1) allowing the books to access the system via a website and (2) leaving no trace of any access. Because the present invention would not allow anonymity and actually leave extensive evidence of accessing sporting event odds information on the user's computer, the present invention runs contrary to the purpose of Don Best I. Therefore, the rejections in the prior Office Action under 35 USC 103 were inappropriate, as are the rejections in this Office Action.

There seems to have been some confusion, for which the Applicant apologizes. The Examiner interpreted the Applicant's arguments with respect to the intended purpose of Don Best as referring to the user interface. As the Examiner stated:

Applicant ... states that modification of Don Best Sports to have a different user interface would render Don Best Sports unsatisfactory for its intended purpose ... Don Best Sports appears to be intended to provide sports and sports betting information to a consumer. Any modification of user interface that still provides sports and sports betting information to a consumer would still leave Don Best Sports satisfactory for its intended purpose.

Applicant, however, did not state that modifying the user interface of Don Best I would make it unsatisfactory for its intended purpose. Applicant stated, and still maintains, that modifying Don Best I to *function* like the present invention would make it unsatisfactory for its intended purpose, which is providing anonymity to sports books. If Don Best I functioned like the present invention, accessing information without a browser and having that information downloaded onto a computer, it would leave a trail and record of usage and access, exactly what

Don Best I is intended to prevent.

The Examiner also stated in the Office Action that the Applicant relies on a declaration by the Inventor that cannot be considered because it is not in evidence. No grounds, however, were put forth for rejection of the declaration and the Applicant cannot, with any degree of certainty, respond to such a rejection of the declaration without a specific argument to respond to. It is respectfully submitted, therefore, that the rejection of the declaration is vague, ambiguous, overbroad, and therefore invalid.

## II. Drawings

The new drawings, submitted herewith, were inadvertently left out of the prior response. Applicant apologizes for any confusion or inconvenience this may have caused.

## III. Claim Rejections – 35 USC § 103

Claims 1-3, 6-8, 11-13, 22-24, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Don Best Sports in view U.S. Patent No. 5,830,068 to Brenner et al. (Brenner)

The primary reference the Examiner uses as a basis for his rejections are not Don Best I, but Don Best II, the improved version which is, in fact, the present invention. Applicant has started marketing and providing the features of the claimed invention over the Internet while the instant application is pending. The features of the present invention are offered as a premium service, the DBS Premium Service cited by the Examiner. The invention itself cannot be used as a basis for rejection where the invention is presented to the public after the filing date of the application. It is the applicant's right to market his invention while an application for patent on the invention is pending.

The inappropriateness of Don Best I has already been previously established. It is respectfully submitted, therefore, that no proper grounds for rejection have been put forth.

IV. Conclusion

Applicant respectfully submits that the application is presently in condition for allowance and earnestly solicits an action to that end.

Please charge any pertinent fees to Deposit Account No. 06-0515.

Respectfully Submitted,



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